

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20141-RNS

UNITED STATES OF AMERICA)
)
v.)
)
GUSTAVO GERALDES)
)
Defendant.)
)

MOTION FOR A SENTENCE REDUCTION UNDER RULE 35

The United States of America, by and through the undersigned counsel, respectfully moves this Court to reduce the sentence of Defendant Gustavo GERALDES (the “Defendant”) pursuant to Rule 35 of the Federal Rules of Criminal Procedure. In support, the Government states as follows:

1. On April 28, 2022, the Defendant pleaded guilty to one count of an Information charging him with conspiracy to defraud the United States, in violation of Title 18, United States Code, Section 371. D.E. 54.

2. On November 17, 2022, Defendant was sentenced to 28 months by this Court. D.E.

76.

3. Defendant has been incarcerated since August 2021 and is scheduled to be released in August 2023. Defendant is currently under an immigration detainer and will likely be deported at the conclusion of his sentence.

4. Defendant has provided the Government with substantial assistance by providing information and voluminous voluntary document disclosures relating to multiple investigations

and cases, including *United States v. Stein*, No. 21-CR-20321-ALTONAGA. Defendant's plea and cooperation assisted the Government in securing guilty pleas from two defendants in *Stein*.

5. As a result of Defendant's substantial assistance, the United States recommends a fifteen percent (15%) reduction. Such a reduction would result in a sentence of time served.

6. The Government respectfully submits a hearing is not necessary for the relief requested in this motion, but will of course be available for such a hearing if the Court deems it necessary to provide its reasoning for its request.

7. The Government has conferred with counsel for Defendant. Defendant's counsel has indicated he will file a response.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

GLENN S. LEON,
CHIEF
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION, FRAUD SECTION

By: /s/ Ligia Markman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 22, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Ligia Markman
LIGIA MARKMAN
Trial Attorney